

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
) CASE NO. 3:19-cr-00003-RRB-MMS
 TRISTAN GRANT,)
)
 Defendant.)
 _____)

PARTIAL TRANSCRIPT OF STATUS CONFERENCE AND CONTINUED HEARING
ON MOTION

(Public Proceedings)

BEFORE THE HONORABLE MATTHEW M. SCOBLE, U.S. MAGISTRATE JUDGE

Thursday - August 26, 2021

1:09 p.m. - 1:19 p.m.

Anchorage, Alaska

FOR THE GOVERNMENT:

Office of the United States Attorney

BY: KAYLA HAYES DOYLE

BY: JENNIFER LOWE IVERS

222 West 7th Avenue, RM 253, #9

Anchorage, Alaska 99513

907-250-7710

FOR THE DEFENDANT:

Law Offices of James Alan Wendt

BY: JAMES A. WENDT

425 G Street, Suite 610

Anchorage, Alaska 99501

907-258-9100

Clerk in Attendance: Camille White

STACY M. BALDWIN
Realtime Certified Reporter
Federal Official Court Reporter

222 West 7th Avenue, #4

Anchorage, Alaska 99513

Transcript Produced from the Digital Recording

1 (Call to Order of the Court at 1:09 p.m.)

2 DEPUTY CLERK: All rise. His Honor, the Court, the
3 United States District Court for the District of Alaska is now
4 in session, the Honorable Matthew M. Scoble presiding.

5 Please be seated. Your Honor, we are on record in
6 *United States of America versus Tristan Grant*, Case No.
7 3:19-cr-00003-RRB-MMS.

8 Counsel, please identify yourselves for the record.

9 MS. IVERS: Jennifer Ivers for the United States.

10 MS. DOYLE: Kayla Doyle for the United States.

11 MR. WENDT: James Wendt for Mr. Grant.

12 THE COURT: All right. Good afternoon, Ms. Ivers.
13 Good afternoon Ms. Doyle. Good afternoon to you, Mr. Wendt.
14 And Mr. Grant, good afternoon. Mr. Grant is present before the
15 Court. He's in custody.

16 All right. We're on today for a continued evidentiary
17 hearing in the motion for a long-term no-contact order.

18 Are the parties ready to proceed, Ms. Ivers?

19 MS. IVERS: The government has already presented its
20 witnesses, Judge, so yes, we are ready to proceed.

21 THE COURT: All right. Mr. Wendt.

22 MR. WENDT: Unfortunately we are not ready to proceed,
23 Your Honor.

24 THE COURT: Okay. What's going on?

25 MR. WENDT: Our witness is not here and all -- it

1 turns out all the numbers I had for her -- I had four different
2 phone numbers for her -- none of them work anymore.

3 Mr. Williams, the attorney for Ms. Silook, is present in the
4 courtroom and he's been trying the numbers. In fact, I've been
5 getting him the numbers to try. None of them are in a working
6 order.

7 THE COURT: Okay.

8 MR. WENDT: I did not have her under subpoena for this
9 hearing. I had her under subpoena for the first hearing and
10 then the Court suggested I get her under subpoena for the
11 second hearing, which was put off because of COVID exposure by
12 me.

13 THE COURT: Sure.

14 MR. WENDT: And then I did not get her under subpoena
15 for this hearing. So I'm going to ask the Court to indulge me,
16 if it will, and put this on a couple weeks down the road. I
17 will get her under subpoena.

18 THE COURT: All right. Thank you, sir. So she's not
19 under subpoena for today's hearing. So the Court has no
20 authority to issue a show cause order or anything of the sort.
21 What I would be inclined to do, Mr. Wendt, is -- I don't want
22 to set this for an evidentiary hearing if you're not going to
23 be able to get ahold of her. So what I would be inclined to do
24 is just not set it for a further hearing. In the event that
25 you're able to contact her, the Court can issue a subpoena or

1 you can issue a subpoena and the Court will sign it.

2 MR. WENDT: Can I leave the date blank? Don't I need
3 a date -- firm date for a hearing?

4 THE COURT: Well, I would imagine that you would be
5 able to make contact with her and then you can notify the Court
6 that you need a hearing. Yeah. I was trying to simplify
7 things but I think I was actually making things more
8 complicated. We can go ahead and pick a date. That's fine.
9 You want something two weeks out?

10 MR. WENDT: I do, Your Honor. I don't think she's
11 moved though. I frankly don't know. But her phone numbers are
12 not working.

13 THE COURT: All right. Let's see, Camille, can you
14 call and check in with the clerk's office and see what they can
15 give us in about two weeks?

16 As counsel may be aware, calendaring is going back
17 through the clerk's office again. So let's see if we can
18 contact them and maybe get us a firm date. Otherwise we may
19 have to issue something after today's hearing.

20 MR. WENDT: Okay.

21 THE COURT: And let me check in with the government.
22 Ms. Ivers, Ms. Doyle, any objection to going out about two
23 weeks?

24 MS. IVERS: Scheduling-wise, no. I do -- the
25 government does object to another continuance of this case.

1 Counsel -- this hearing was set out -- set several weeks ago.
2 There was time to get a subpoena and get the victim's mother in
3 here. I'm reluctant to -- you know, we filed this motion two
4 months ago. The standard is preponderance of the evidence.
5 There's no reason we needed like six hearings to resolve this
6 issue. I mean -- so because of that, we oppose. I understand
7 if Your Honor grants the continuance in any case, but I wanted
8 to make that clear.

9 THE COURT: All right. I appreciate your comments.
10 The way we got here today is we were set for a couple of weeks
11 ago, I don't recall the exact date, and as Mr. Wendt indicated
12 he did have a COVID exposure. And in the interest of keeping
13 everybody safe it seemed in an abundance of caution the prudent
14 thing to put the hearing off until today's date. I understand
15 that in the interim this witness with whom Mr. Wendt had been
16 in contact is no longer reachable. You know, unfortunately the
17 global pandemic often presents us with these sorts of dynamic
18 situations. So I appreciate the government's concerns about
19 the delay and I'm sympathetic to them, but I do want to make
20 sure that Mr. Grant is able to present all the evidence that he
21 wants to present with regard to this motion. So I am inclined
22 to go ahead and grant the continuance. In case there was any
23 doubt, I will say that I will -- I will continue the temporary
24 no-contact order as I have previously to whatever our future
25 date is.

1 MS. IVERS: And while Madam Clerk is trying to figure
2 out that date, we did file copies of the jail calls. I
3 understand the first copy we filed was not readable by
4 chambers. Hopefully, the second one was. Those weren't
5 included in the government's case in chief at the last hearing.
6 I didn't get a definitive yes or no from Mr. Wendt whether he
7 opposed Your Honor listening to those, but it seems like,
8 because we have the time, those would be pertinent for Your
9 Honor to listen to before the next hearing.

10 THE COURT: Sure. And those were filed at Docket 276.
11 The Court did receive them. And Ms. Ivers, you're correct
12 there was -- the first CD we got was encrypted, so we couldn't
13 listen to it. The second one, I tested it out, it does play.

14 And one thing I wanted to ask about, I'm glad you
15 brought it up, the calls are numbered 1 through 10, but there
16 was no call number 5. I don't know if that was deliberate or
17 not?

18 MS. IVERS: Yes. They're numbered consistent with the
19 FBI report.

20 THE COURT: I see.

21 MS. IVERS: And so the FBI agent listened to more like
22 15 calls. Some of them were not relevant to this issue and so
23 I just included the ones that were relevant. So number 5, and
24 then I think numbers 11 through 15 were not relevant to this
25 proceeding. And so that's why they're numbered that way.

1 Yeah. So there were 18 calls, and I just included 1 through 4
2 and 6 through 10, because those were the ones that were
3 relevant to this proceeding.

4 THE COURT: Okay. That makes perfect sense. I just
5 wanted to make sure that five wasn't inadvertently omitted.

6 MS. IVERS: No, that was on purpose.

7 THE COURT: All right. Very good. Give me just one
8 second and we can talk about dates. So I can offer you
9 continued evidentiary hearing September 8th at 1:00 p.m. or
10 September 10th at 9:00 a.m. It's however (indiscernible) those
11 dates work for the government?

12 MS. IVERS: Those are both fine for the government,
13 Your Honor.

14 MR. WENDT: Both are fine for the defense as well.

15 THE COURT: All right. Well, let's go ahead and do --
16 let's do the 8th at 1:00 p.m.

17 So I will order that the temporary restraining order
18 will be continued until September 8th at 1:00 p.m. I'll issue
19 a written order on that as well.

20 MS. IVERS: Thank you, Judge.

21 THE COURT: Yes, ma'am. All right. We covered the
22 CD. We continued today's hearing. Is there anything else we
23 can do today for the government?

24 MS. IVERS: Just to be clear, so is there any
25 opposition from defense of the judge actually listening to the

1 jail calls?

2 MR. WENDT: No, he can (indiscernible.)

3 MS. IVERS: Before the next hearing.

4 THE COURT: All right. Anything else from the
5 defense, Mr. Wendt?

6 MR. WENDT: Not at this time.

7 THE COURT: All right. Mr. Wendt, your client has
8 something he wants to tell me.

9 THE DEFENDANT: Yeah. I know you just this -- I
10 don't -- I got a whole different issue other than this. It's
11 not really my attorney, but can I get a status of counsel
12 hearing that day too?

13 THE COURT: So --

14 THE DEFENDANT: Assuming it won't take that long, I
15 just got some issues.

16 THE COURT: Well, if you -- if you're making a motion
17 to have the Court appoint you a different attorney, what I
18 would be inclined to do is just take that up now, so we don't
19 have to address the issue when we get to the 8th.

20 THE DEFENDANT: We can do it right now. Because it's
21 not -- yeah, if we could do that right now.

22 THE COURT: All right then. Ms. Ivers, Ms. Doyle,
23 thank you very much. You can go ahead and step out. I don't
24 imagine we'll need you back here later this -- when we conclude
25 with Mr. Grant, but just please be available if necessary.

1 MS. IVERS: Madam Clerk can email me if necessary.

2 THE COURT: Perfect. Thank you both very much.

3 MR. WENDT: Shall I remain for the time being?

4 THE COURT: For the time being, yes, sir, please do.

5 We can go ahead and go into a sealed hearing.

6 (Whereupon, the Court adjourned at 1:19 p.m.)

7 --oOo--

8 CERTIFICATE

9 I, Stacy M. Baldwin, Federal Official Court Reporter in and
10 for the United States District Court of the District of Alaska,
do hereby certify that the foregoing transcript is a true and
11 accurate transcript from the digital recording in the
above-entitled matter and that the transcript page format is in
12 conformance with the regulations of the Judicial Conference of
the United States.

13 Dated January 31, 2023.

14

15 /s/ Stacy M. Baldwin
16 STACY M. BALDWIN, RCR, RMR
17 FEDERAL OFFICIAL COURT REPORTER

18

19

20

21

22

23

24

25